



January 26, 2007

SENATE BILL No. 4

DIGEST OF SB 4 (Updated January 24, 2007 11:38 am - DI 104)

Citations Affected: IC 4-23; noncode.

Synopsis: Commission on forensic sciences. Amends the membership of the commission on forensic sciences (commission) and provides that the members shall be appointed by July 1, 2007. Provides that commission members shall receive a salary per diem and reimbursement for travel expenses. Requires the commission to submit a report to the legislative council by November 1, 2007, that includes the commission's findings and recommendations concerning the state's current coroner system, whether a medical examiner system to assist coroners would be an appropriate system for the state, and other alternatives if a medical examiner system is deemed by the commission to be inappropriate. Provides that the law establishing the commission expires on June 30, 2008. (The introduced version of this bill was prepared by the interim study committee on criminal justice matters.)

Effective: Upon passage.

Miller

January 8, 2007, read first time and referred to Committee on Health and Provider Services.
January 25, 2007, amended, reported favorably — Do Pass.

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SB 4—LS 6079/DI 107+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 4

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-23-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A commission is hereby
3 created which shall be known as the "commission on forensic
4 sciences." ~~It~~ **The commission** shall consist of **the following** five (5)
5 members appointed by the governor:

6 **(1)** One (1) ~~shall be a~~ **forensic** pathologist.

7 **(2)** One (1) ~~shall be a~~ person engaged in police work **with an**
8 **expertise in crime scene investigation.**

9 **(3)** One (1) ~~shall be a~~ coroner. ~~and~~

10 **(4)** One (1) ~~shall be a lawyer.~~ **prosecutor.**

11 **(5)** The state health commissioner, **who** ~~shall be the fifth member~~
12 ~~of the commission and shall serve as its~~ **the commission's**
13 **secretary.**

14 **(b)** In making the appointments, the governor may consult with, but
15 shall not be bound by, the recommendation of organizations
16 representing ~~such~~ **the** categories of appointees. ~~In the first instance one~~
17 ~~(1) of the members shall be appointed for a term of one (1) year; one~~

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(1) of the members shall be appointed for a term of two (2) years; one (1) of the members shall be appointed for a term of three (3) years and one (1) of the members shall be appointed for a term of four (4) years. Thereafter, each member shall serve until his successor is appointed and has qualified.

(c) Members of the commission may be removed by the governor for cause and any vacancy shall be filled by appointment from the proper category. ~~and for the unexpired term.~~

(d) The members shall elect one (1) of their ~~number members~~ to serve as ~~chairman~~ **chairperson** for a period of one (1) year.

SECTION 2. IC 4-23-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The membership of the commission shall be appointed not later than July 31, ~~1959~~, **1, 2007**, and the commission shall hold its organization meeting upon call of its secretary within ten (10) days after its members are appointed.

SECTION 3. IC 4-23-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The commission shall meet at least once in each two-month period.

(b) A majority shall constitute a quorum for the transaction of business. ~~and a per diem of ten dollars (\$10.00) per day; and actual expenses incurred shall be allowed to each member for his attendance.~~

(c) Each member of the commission who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of the commission who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 4. IC 4-23-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a) The commission on forensic sciences shall promulgate and adopt rules in accordance with IC 4-22-2 to:~~

(1) create a medical examiner system to aid, assist, and complement the coroner in the performance of his duties by

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1 providing medical assistance in determining causes of death; and
 2 (2) establish minimum and uniform standards of excellence;
 3 performance of duties; and maintenance of records to provide
 4 information to the state regarding causes of death for cases
 5 investigated.

6 The commission shall also adopt any other rules that are necessary to
 7 carry out the provisions of this section.

8 (b) The commission shall establish five (5) medical examiner
 9 districts within the state; taking into consideration population;
 10 geographical size of the area covered; availability of trained personnel;
 11 death rate by both natural and unnatural causes; and similar related
 12 factors. No county may be divided in the creation of a district.

13 (c) A district medical examiner shall be appointed by the
 14 commission for each district from nominees who are physicians
 15 licensed to practice in Indiana. Nominees must reside in the district
 16 they are nominated for; and a preference shall be given to practicing
 17 physicians in pathology.

18 (d) The district medical examiner may appoint as many physicians
 19 as associate medical examiners as may be necessary to provide service
 20 within the district. The associate examiners shall be licensed to practice
 21 in Indiana with a preference to practicing pathologists.

22 (e) District and associate medical examiners may engage in the
 23 private practice of medicine or surgery in addition to their duties as
 24 medical examiners.

25 (f) The district and associate medical examiners shall; at the request
 26 of coroners in their districts:

- 27 (1) provide medical assistance in investigating deaths;
- 28 (2) provide or contract for laboratory facilities for performing
- 29 autopsies and investigations;
- 30 (3) provide for the keeping of reports of all investigations and
- 31 examinations; and
- 32 (4) provide other functions which may be specified in rules
- 33 adopted by the commission.

34 (g) A district or associate medical examiner who performs a medical
 35 examination or autopsy under the direction of a coroner is immune
 36 from civil liability for performing the examination or autopsy.

37 SECTION 5. IC 4-23-6-7 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: **Sec. 7. This chapter expires June 30, 2008.**

40 SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The commission
 41 on forensic sciences established by IC 4-23-6-1 shall submit a
 42 report to the legislative council before November 1, 2007.

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(b) The report must include the findings and recommendations of the commission regarding the following:

(1) Whether a statewide medical examiner system would best serve the state. If the commission determines that a statewide medical examiner system is appropriate, the commission shall determine and include in the report the following:

(A) The most efficient and effective structure for a statewide medical examiner system to aid, assist, and complement coroners in the performance of coroner duties by providing medical assistance in determining causes of death.

(B) The creation of medical examiner districts within Indiana, taking into consideration:

- (i) population;
- (ii) geographical size of the area covered;
- (iii) availability of trained personnel;
- (iv) death rate by both natural and unnatural causes; and
- (v) whether the area covered is rural or urban.

(C) The process for selecting a district medical examiner and support staff.

(D) Training requirements for a district medical examiner's office.

(E) The employment structure of a district medical examiner's office.

(F) The services that a district medical examiner should provide to coroners, including:

- (i) autopsies;
- (ii) medical assistance in investigating deaths;
- (iii) laboratory facilities for performing autopsies and investigations;
- (iv) reporting functions; and
- (v) other services recommended by the commission.

(G) The funding mechanism for and cost of the recommended system.

(2) Minimum and uniform standards of excellence, performance of duties, and the maintenance of records to provide to the state regarding causes of death for cases investigated.

(3) The current county coroner system, including the system's:

- (A) cost;

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1 **(B) effectiveness; and**
2 **(C) responsiveness;**
3 **and methods in which to improve the current system.**
4 **(4) If a statewide medical examiner system described in**
5 **subdivision (1) is not recommended, a description of the**
6 **commission's recommended system, and the funding**
7 **mechanism for the system.**
8 **(5) Recommendations for legislation.**
9 **(c) The report submitted to the legislative council must be in an**
10 **electronic format under IC 5-14-6.**
11 **(d) This SECTION expires December 31, 2007.**
12 **SECTION 7. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A commission is hereby created which shall be known as the "commission on forensic sciences." ~~It~~ **The commission** shall consist of **the following** five (5) members appointed by the governor:

- (1) One (1) ~~shall be a~~ **forensic** pathologist.
- (2) One (1) ~~shall be a~~ person engaged in police work **with an expertise in crime scene investigation.**
- (3) One (1) ~~shall be a~~ coroner. ~~and~~
- (4) One (1) ~~shall be a~~ **lawyer: prosecutor.**
- (5) The state health commissioner, ~~who shall be the fifth member of the commission and shall serve as its~~ **the commission's** secretary.

(b) In making the appointments, the governor may consult with, but shall not be bound by, the recommendation of organizations representing ~~such~~ **the** categories of appointees. ~~In the first instance one (1) of the members shall be appointed for a term of one (1) year; one (1) of the members shall be appointed for a term of two (2) years; one (1) of the members shall be appointed for a term of three (3) years and one (1) of the members shall be appointed for a term of four (4) years. Thereafter, each member shall serve until his successor is appointed and has qualified.~~

(c) Members of the commission may be removed by the governor for cause and any vacancy shall be filled by appointment from the proper category. ~~and for the unexpired term.~~

(d) The members shall elect one (1) of their ~~number~~ **members** to serve as ~~chairman~~ **chairperson** for a period of one (1) year."

Page 3, line 18, after "(1)" insert "**Whether a statewide medical examiner system would best serve the state. If the commission determines that a statewide medical examiner system is appropriate, the commission shall determine and include in the report the following:**

(A)".



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Page 3, between lines 21 and 22, begin a new line double block indented and insert:

"(B) The creation of medical examiner districts within Indiana, taking into consideration:

- (i) population;**
- (ii) geographical size of the area covered;**
- (iii) availability of trained personnel;**
- (iv) death rate by both natural and unnatural causes;**
- and**
- (v) whether the area covered is rural or urban.**

(C) The process for selecting a district medical examiner and support staff.

(D) Training requirements for a district medical examiner's office.

(E) The employment structure of a district medical examiner's office.

(F) The services that a district medical examiner should provide to coroners, including:

- (i) autopsies;**
- (ii) medical assistance in investigating deaths;**
- (iii) laboratory facilities for performing autopsies and investigations;**
- (iv) reporting functions; and**
- (v) other services recommended by the commission.**

(G) The funding mechanism for and cost of the recommended system."

Page 3, delete lines 26 through 42.

Page 4, delete lines 1 through 3, begin a new line block indented and insert:

"(3) The current county coroner system, including the system's:

- (A) cost;**
- (B) effectiveness; and**
- (C) responsiveness;**

and methods in which to improve the current system.

(4) If a statewide medical examiner system described in subdivision (1) is not recommended, a description of the commission's recommended system, and the funding mechanism for the system."

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Page 4, line 4, delete "(8)" and insert "**(5)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 4 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 2.

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